IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.P.BALACHANDRAN

FRIDAY, THE 4TH MAY 2007 / 14TH VAISAKHA 1929

Bail Appl..No. 2634 of 2007

CRIME NO.189/07 OF KOTTAYAM EAST POLICE STATION

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PETITIONER/IST ACCUSED:

ABDUL AZIZ T.KUNJU, AGED 48 YEARS,
S/O.HAJI T.KUNJU, HILAL, VELLAPPILLY LANE,
KOTTAYAM DIST.

BY ADV. SRI.JOY GEORGE

RESPONDENTS/COMPLAINANT:

1. STATE OF KERALA, REPRESENTED BY
THE PUBLIC PROSECUTOR, HIGH COURT
OF KERALA, ERNAKULAM.

2. THE SUB INSPECTOR OF POLICE,
KOTTAYAM EAST POLICE STATION,
KOTTAYAM DIST.

BY PUBLIC PROSECUTOR SRI.P.RAVINDRABABU

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 04/05/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

K.P.Balachandran, J.

B.A.No. 2634 of 2007

ORDER

This is an application for anticipatory bail filed under Section 438 Cr.P.C.

2. The petitioner is the first accused in Crime No.189/07 of Kottayam East Police Station, registered for offence under Section 5(a) of the Kerala Rationing Order and Sections 3 and 7 of the Essential Commodities Act, consequent on seizure of 10 bags, containing fifty kilograms each, of raw rice and 129 bags, containing fifty kilograms each, of boiled rice, which were the rationed articles issued by the Civil Supplies Corporation for distribution to the public through ration shops. The seizure was being effected from the godown of Five Star Agro Foods (P) Ltd., functioning in the Industrial Development Area, of which, the petitioner is the Managing Director. Considering the gravity of the offence committed, I am of the

view that the petitioner can be granted anticipatory bail imposing stringent conditions only.

In the result, I allow this bail application and direct:

(i) the petitioner to surrender before the learned Magistrate concerned positively within fifteen days from today;

(ii) on such surrender and on his depositing, by way of cash security, an amount of Rupees fifty thousand and executing bail bond for Rupees thirty thousand with two solvent sureties each for like sums to the satisfaction of the learned Magistrate concerned, the petitioner shall be enlarged on bail;

(iii) on such release the petitioner shall co-operate with the investigation in the case and shall report before the Investigating Officer between 10 a.m. and 11 a.m. on all Tuesdays and Fridays for a period of two months and thereafter

on all Tuesdays only, till the investigation in the case is over and final report is laid; and

(iv) the grant of anticipatory bail shall not stand in the way of the learned Magistrate granting custody of the petitioner to the Investigating Officer for questioning, if the Investigating Agency so asks for and the learned Magistrate deems it fit to grant, considering the circumstances of the case.

4th May, 2007 (K.P.Balachandran, Judge)

tkv